

JOHN F. COOK
MAYOR

JOYCE WILSON
CITY MANAGER



CITY COUNCIL
ANN MORGAN LILLY, DISTRICT 1
SUSANNAH M. BYRD, DISTRICT 2
J. ALEXANDRO LOZANO, DISTRICT 3
MELINA CASTRO, DISTRICT 4
PRESI ORTEGA, JR., DISTRICT 5
EDDIE HOLGUIN JR., DISTRICT 6
STEVE ORTEGA, DISTRICT 7
BETO O'ROURKE, DISTRICT 8

MINUTES
SPECIAL CITY COUNCIL MEETING
10TH FLOOR CONFERENCE ROOM
MARCH 27, 2006
4:00 P.M.

The City Council met at the above place and date at approximately 4:10 p.m. Mayor John F. Cook present and presiding and the following Council Members answered roll call:

Ann Morgan Lilly
Susannah M. Byrd
Presi Ortega, Jr.
Steve Ortega

Late Arrivals:

Beto O'Rourke at 4:24 p.m.

Not Present:

Jose Alexandro Lozano
Melina Castro
Eddie Holguin, Jr.

AGENDA

City Council Agenda for March 28, 2006 (attached).

The City Manager, City Department Heads, and Staff, presented to Council Members short briefings on the agenda items for the City Council Agenda for March 28, 2006, and answered the questions of Council Members.

Motion made by Representative Steve Ortega, seconded by Representative Byrd, and unanimously carried to adjourn this meeting at 4:29 p.m.

APPROVED AS TO CONTENT:

Richarda Duffy Momsen, City Clerk

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AGENDA FOR SPECIAL CITY COUNCIL MEETING

March 27, 2006
10th Floor Conference Room, City Hall
4:00 p.m.

AGENDA: Question and answer session with staff on the items listed on the Agenda posted for the Regular City Council Meeting of Tuesday, March 28, 2006. No deliberations among the Council members will be held and no action will be taken during this meeting on the items posted on the Agenda.

AGENDA FOR REGULAR CITY COUNCIL MEETING

March 28, 2006
Council Chambers, City Hall
8:30 a.m.

After the meeting is convened, the City Council shall consider the following items in the following order no sooner than the designated times, but may consider them at a later time.

8:30 a.m.: Roll call and Executive Session*
9:00 a.m.: Invocation and Pledge of Allegiance
9:00 a.m.: Ceremonial items followed by all other items posted on the Agenda

*At any time during the Council meeting, the City Council may meet in executive session pursuant to Section 3.5A of the El Paso City Charter and the Texas Government Code, Chapter 551, Subchapter D, to discuss items as permitted by law.

Invocation – Reverend Lisle Davis
Pledge of Allegiance

MAYOR'S PROCLAMATIONS

1. MONTH OF THE CHILD
2. AUTISM SPECTRUM DISORDER
3. LINEAE TERRARUM INTERNATIONAL BORDERS CONFERENCE DAYS
4. PROFESSIONAL SOCIAL WORK MONTH
5. LAS PALMAS NEIGHBORHOOD ASSOCIATION CLEAN-UP WEEK

CALL TO THE PUBLIC – PUBLIC COMMENT

This time is reserved for members of the public who would like to address the City Council on items that are not on the City Council Agenda.

A sign-up form is available on line at https://www.elpasotexas.gov/city_clerk/contact_public.asp for those who wish to sign up in advance of the meeting date and a sign-up form is available outside the City Council Chambers at the City Clerk table for those who wish to sign up on the day of the meeting.

Requests to speak must be received by 9:00 a.m. on the date of the meeting.

30 Minutes total is allotted for speakers.

Three to five minutes may be allowed for each speaker.

NOTICE TO THE PUBLIC

All matters listed under the CONSENT AGENDA, including those on the Addition to the Agenda, will be considered by City Council to be routine and will be enacted by one motion unless separate discussion is requested by Council Members. Prior to the vote, members of the audience may ask questions regarding items on the consent agenda. When the vote has been taken, if an item has not been called out for separate discussion, the item has been approved. Council may, however, reconsider any item at any time during the meeting. The wording of all agenda items shall appear in the minutes of this meeting of the City Council as posted, unless otherwise revised by this or other motion of Council, without the necessity of the City Clerk reading the wording of each item into the record.

CONSENT AGENDA

- 1. APPROVAL OF MINUTES:** [Municipal Clerk, Richarda Duffy Momsen, (915) 541-4127]

Approval of Minutes for Regular City Council Meeting of March 21, 2006 and Special City Council Meeting Minutes for January 30, 2006 (MPO) and March 20, 2006.

- 2. REQUEST TO EXCUSE ABSENT CITY COUNCIL MEMBERS:**

- 3. RESOLUTIONS:**

3A. That the City Manager be authorized to sign a First Amendment to Fuel Site Lease between the City of El Paso ("Lessor") and Cutter Aviation El Paso, Inc. ("Lessee") to allow for subleases with the prior written approval of the Lessor. **(District 3)** [Airport, Patrick T. Abeln, (915) 780-4724]

3B. That the City Manager be authorized to sign a Lessor's Approval of Sublease between the City of El Paso ("Lessor"), Cutter Aviation El Paso, Inc. ("Lessee"), and Certified Aviation Services, LLC ("Sublessee") regarding a portion of the premises located at 253 George Perry Blvd., El Paso, Texas. **(District 3)** [Airport, Patrick T. Abeln, (915) 780-4724]

3C. Placing a condemnation lien on the following property (legal description on file with the City Clerk) and in the following amount for work performed by the City pursuant to Section 18.50 (Unsafe Structures and Conditions) of the El Paso Municipal Code:

737 Oscar Perez Avenue \$11,276.84 District 1
Sunnyview, L.L.C.
[Development Services, William V. Stern, (915) 541-4800]

- 3D. That the El Paso City Council approves the resolution and the submission of the Domestic Abuse Response Team grant application to the Office of the Governor, Criminal Justice Division, and that the City Manager be authorized to sign grant related documents including all understandings and assurances contained therein, and apply for, accept, reject, alter, or terminate the grant in the amount of \$88,604, in-kind match required in the amount of \$43,190. **(All Districts)** [Police Department, Paul Cross, (915) 564-7310]

4. **BOARD RE-APPOINTMENTS:**

Gerald G. Mangrum to the Ethics Review Commission by Mayor John Cook.
[Mayor John F. Cook, (915) 541-4145]

5. **BUDGET TRANSFER:** [Office of Management and Budget, David Almonte, (915) 541-4011]

BT2006-515 STREET

Purchase of three new Toll Booths for the Zaragoza Bridge.

Increase	\$60,000	to	32000082/PPWBR0300643001/407002	EstRevenue
Increase	\$60,000	to	32000082/PPWBR0300643001/508004	PublicUseEq

6. **CHANGE ORDER:**

Approve Change Order No. One (1) (Construction Change) to Blair-Hall Co., Inc. for Contract No. 2005-241, Fire Station No. 35, located at 12230 Pine Springs Drive, for an increased amount of \$126,835.65. The purpose of this Change Order is to change the paving material at the Fire Truck entranceway from HMAC to concrete for durability. In addition, this change order will add a rock wall and wrought iron fence at the West property line and the employee parking area. This Change Order will increase the construction period for this project by 74 days.

The revised scheduled completion date through this change order is August 11, 2006.

Current Contingency:	\$156,498.66
Prior Change Orders:	0
Proposed Change Order:	\$126,835.65
Remaining Contingency:	\$ 29,663.01
District:	6

[Financial Services, Carmen Arrieta-Candelaria, (915) 541-4011]

7. Request that the Chief Financial Officer, Financial Services, be authorized to exercise the City's option to extend the term of the agreement for two (2) additional years, from March 31, 2006, through March 31, 2008, pursuant to the provisions of contract 2003-009R, Deferred Compensation Administrator, with ING, Fairfax, VA.
[Financial Services, Ray Heredia, (915) 541-4316]

Option No.:	ONE [OF ONE]
Account No:	N/A
Funding Source:	N/A

Amount: N/A
Department: OMB\Insurance & Benefits

8. APPLICATIONS FOR USE OF CITY PARKS/STREETS & SIDEWALKS:

Permission to use public streets, sidewalks, or parks for special events does not constitute endorsement by the City of El Paso of the contents of any expression that takes place during these events. [Development Services, R. Alan Shubert, (915) 541-4560]

- 8A.** Northeast Civic Leader's Council to hold the Northeast Parade on April 15, 2006, from 7:30 a.m. to 12:30 p.m. Route: Start at the intersection of Railroad and Diana, proceed on Diana to North Park Center, turn right at North Park Center and finish at North Park Center parking lot. Approximately 1,000 persons, 300 vehicles, 50 animals will take part and 10,000 spectators are anticipated. PERMIT # 06-021 [Jack Sturgis] **(District 4)**

NO OBJECTIONS FROM FIRE AND SUN METRO. ENGINEERING DEPARTMENT, TRAFFIC DIVISION, HAS NO OBJECTION TO THE CLOSURE OF DIANA FOR THE PARADE. POLICE DEPT. WILL PROVIDE TRAFFIC CONTROL FOR THE EVENT. SIDE STREETS WILL BE CLOSED FOR THE EVENT AND WILL REOPEN AS THE PARADE PASSES BY. THE EL PASO POLICE DEPARTMENT HAS NO OBJECTIONS WITH THIS EVENT. THE DEPARTMENT WILL POLICE THE EVENT WITH 32 OFFICERS AND 32 VEHICLES. ESTIMATED COST TO CITY: \$639.00; ESTIMATED COST TO APPLICANT: \$7361.00. THE OFFICE OF DEVELOPMENT SERVICES RECOMMENDS APPROVAL

- 8B.** Centro De Los Trabajadores Agricolas Fronterizos to hold a Cesar Chavez Farm Worker March on March 31, 2006, from 11:00 a.m. to 12:00 p.m. Route: Start at San Jacinto Plaza (111 Mills) to Oregon, proceed on Oregon, and finish at the Farm Workers Center (201 E. Ninth Ave). Approximately 100 persons, 100 vehicles will take part and 50 spectators are anticipated. This request includes permission to use amplification (1 bullhorn). PERMIT # 06-022 [Ignacio Ibarra] **(District 8)**

NO OBJECTIONS FROM FIRE, SUN METRO, PARKS, AND TRAFFIC/ENGINEERING. THE EL PASO POLICE DEPARTMENT HAS NO OBJECTIONS WITH THIS EVENT. THE DEPARTMENT WILL POLICE THE EVENT WITH 10 OFFICERS AND 10 VEHICLES. ESTIMATED COST TO CITY: \$266.25; ESTIMATED COST TO APPLICANT: \$358.75. THE OFFICE OF DEVELOPMENT SERVICES RECOMMENDS APPROVAL

- 8C.** E.P.P.D./Westside Citizens Advisory Board to use amplification (2 microphones, 2 speakers, and 1 bullhorn) at White Spur Park, 4800 Love Rd, on October 28, 2006, from 8:00 a.m. to 2:00 p.m. for an animal safety fair. Approximately 40 persons will take part and 300 spectators are anticipated. PERMIT # 06-023 [Mary Alice Shashy] **(District 8)**

NO OBJECTION FROM PARKS. THE EL PASO POLICE DEPARTMENT HAS NO OBJECTION WITH THIS EVENT. THE DEPARTMENT WILL MONITOR THE EVENT AS NECESSARY WITH THE DISTRICT CAR. THERE WILL BE NO COST TO CITY OR APPLICANT. THE OFFICE OF DEVELOPMENT SERVICES RECOMMENDS APPROVAL

- 8D.** El Paso Powerhouse Church to use amplification (2 speakers and 5 microphones) at Tula Irrobali Park, 601 S. Park, on April 1, 2006, and at Wellington Chew Park, 4430 Maxwell, on April 8, 2006, from 6:00 p.m. to 10:00 p.m. for a Riley Blast. Approximately 18 persons will take part and 35 spectators are anticipated. PERMIT # 06-024 [James Williams] **(Districts 2 & 8)**

NO OBJECTION FROM PARKS. THE EL PASO POLICE DEPARTMENT HAS NO OBJECTION WITH THIS EVENT. THE DEPARTMENT WILL MONITOR THE EVENT AS NECESSARY WITH THE DISTRICT CAR. THERE WILL BE NO COST TO CITY OR APPLICANT. THE OFFICE OF DEVELOPMENT SERVICES RECOMMENDS APPROVAL

REGULAR AGENDA

9. INTRODUCTION OF ORDINANCES PURSUANT TO SECTION 3.9 OF THE EL PASO CITY CHARTER:

**Public comment typically is not taken during the introduction of ordinances.
Public comments are invited at the date of the scheduled public hearing.**

- 9A.** An Ordinance amending Title 18 (Building and Construction), Chapter 18.50 (Property Maintenance Code) of the El Paso City Code, and local amendments, to correct typographical and related errors and deleting Section 18.50.115.4 (Defense). The penalty being provided in Section 18.02.107 of the El Paso City Code of no more than Two Thousand and 00/100 Dollars (\$2,000.00) per day per violation. **(All Districts)** [Development Services, Tom Maguire, (915) 541-4588]
- 9B.** An Ordinance repealing Ordinance Numbers 014102 and 014116, which established the Building and Zoning Advisory Committee ("BZAC"), for the purpose of abolishing the Building and Zoning Advisory Committee ("BZAC") **(All Districts)**. [Development & Infrastructure Services, Patricia D. Adauto, (915) 541-4853]

PUBLIC HEARING WILL BE HELD ON APRIL 11, 2006, FOR ITEMS 9A –9B

- 9C.** An Ordinance changing the zoning of Tract 3C, Section 21, Block 80, Township 1, Texas and Pacific Railway Company Surveys, El Paso, El Paso County, Texas from C-4 (Commercial) to M-1 (Light Manufacturing). The penalty is as provided for in Chapter 20.68 of the El Paso City Code. Subject Property: 12001 Dyer Street. Applicant: Jobe Materials, L.P. ZON06-00003 **(District 4)** [Development Services/Planning, Mirian Spencer, (915) 541-4723]
- 9D.** An Ordinance changing the zoning of Tract 1A, Nellie D. Mundy Survey No. 241, El Paso, El Paso County, Texas from M-1/SC (Light Manufacturing/Special Contract) to R-3A/SC (Residential/Special Contract). The penalty is as provided for in Chapter 20.68 of the El Paso City Code. Subject Property: North of Artcraft Road, West of Interstate Highway 10. Applicant: Tropicana Development, Inc. Representative: CEA Engineering Group ZON06-00017 **(District 1)** [Development Services/Planning, Mirian Spencer, (915) 541-4723]
- 9E.** An Ordinance changing the zoning of Lot 47, Singh Addition, El Paso, El Paso County, Texas from R-4 (Residential) to R-5 (Residential). The penalty is as provided for in Chapter 20.68 of the El Paso City Code. Subject Property: 335 Singh Drive. Applicant: Elder Ramirez. ZON06-00018 **(District 6)** [Development Services/Planning, Christina Valles, (915) 541-4930]
- 9F.** An Ordinance amending Ordinance Number 15845, in order to amend the conditions cited in same ordinance which changed the zoning of Parcel 1: A portion of Tract 44C, O.A. Danielson Survey No. 310, El Paso, El Paso County, Texas, now known as Lot 1, Block 1, Placitas de Zaragoza, El Paso, El Paso County, Texas, and imposed certain conditions. Subject Property: 1510 Zaragoza Road. Applicants: William Van Haselen, Tom Lewis, Neal Current ZON06-00019 **(District 6)** [Development Services/Planning, Mirian Spencer, (915) 541-4723]

PUBLIC HEARING WILL BE HELD ON APRIL 18, 2006, FOR ITEMS 9C –9F

Public Hearings will be held as part of the regular City Council meeting which begins at approximately 9AM. All interested persons present shall have an opportunity to be heard at that time. After the public hearings, Council may also delay taking action on Ordinances, no requirement is made by Section 3.9B of the El Paso City Charter to publish any further notice. Copies of all Ordinances are available for review in the City Clerk's office, 2 Civic Center Plaza, Monday through Friday, 8AM to 5PM.

10. MAYOR AND COUNCIL:

Discussion and action on unlicensed or minimally licensed homes and/or facilities operating in El Paso city limits and rendering care to the mentally and physically disabled. **(All Districts)** [Representative Susie Byrd, (915) 541-4416]

11. DEVELOPMENT AND INFRASTRUCTURE SERVICES:

Discussion and action on proposed text revisions to Title 20 (Zoning) as recommended by the Building & Zoning Advisory Committee: Chapter 20.06 (Zoning Districts and Map) and Chapter 20.08 (Permissible Uses). **(All Districts)**

[Development & Infrastructure Services, Patricia D. Adauto, (915) 541-4853]

12. ENGINEERING:

Discussion and action on a resolution that the City Manager be authorized to sign a Professional Services Contract between the City of El Paso and Wilbur Smith Associates for a project known as City of El Paso Annexation Assessment and Strategy in an amount not to exceed \$812,000.00. **(All Districts)**

[Engineering Department, Rick Conner, (915) 541-4200]

13. FINANCIAL SERVICES:

Solicitation No.	2006-005	Medical Supplies
Award to:	Vendor 1:	Heart Safe America, Inc.
		Dallas, TX
Item(s):		#1
Amount:		\$3,186.50 (estimated annually)
Award to:	Vendor 2:	Moore Medical, LLC
		New Britain, CT
Item(s):		#15, #24, #26, #33, #38, #43, #46, & #47
Amount:		\$13,090.50 (estimated annually)
Award to:	Vendor 3:	Emergency Medical Supply
		Shepperdsville, KY
Item(s):		#3, #12, #16, #20, #35, #36, #37, & #40
Amount:		\$90,948.88 (estimated annually)
Award to:	Vendor 4:	Tri-Anim Health Services, Inc.
		Sylmar, CA
Item(s):		#4, #6, #10, #11, #14, #27, #41, & #45
Amount:		\$31,044.90 (estimated annually)
Award to:	Vendor 5:	Gulf South Medical Supply, Inc.
		Jacksonville, FL

Item(s): #5, #23, #28, #30, #31, #32, & #42
 Amount: \$15,427.10 (estimated annually)

Award to: Vendor 6: Kentron Health Care, Inc.
 Springfield, TN
 Item(s): #7, #8, #9, & #13
 Amount: \$6,133.96 (estimated annually)

Award to: Vendor 7: Ever Ready First Aid
 Brooklyn, NY
 Item(s): #2, #18, & #29
 Amount: \$3,229.00 (estimated annually)

Award to: Vendor 8: Owens & Minor, Inc.
 Phoenix, AZ
 Item(s): #17, #19, #21, & #34
 Amount: \$8,287.40 (estimated annually)

Award to: Vendor 9: Alliance Medical
 Russellville, MO
 Item(s): #22, #25, & #44
 Amount: \$10,141.90 (estimated annually)

Department: Fire
 Funds available: 22010319-503112
 Funding source: Clinical/Medical Supplies
 Total award: \$544,470.42 (estimated)
 District (s): All

Fire Department and Financial Services-Purchasing Division recommend award as indicated to the lowest responsive offer meeting specifications, from responsible parties.

In addition to the attached list, items #4, #5, #29, #46 & #47 in the award list have no estimated annual expenditure because the Medical Director's Office and Texas Tech have encouraged the Fire Department to phase them out in favor of safer substitutes.

Item #39 will not be awarded as it is a duplicate of item #17

Vendor 1 offers the City the option to extend the term of the contract at the same unit prices for two (2) additional years if the option is exercised within two (2) years from the date of the award.

Vendor 5 offers the City the option to extend the term of the contract at the same unit prices for one (1) or two (2) additional years if the option is exercised within two (2) years from the date of the award.

Vendor 6 offers the City the option to extend the term of the contract at the same unit prices for one (1) additional year if the option is exercised within two (2) years from the date of the award.

Vendors 4 and 6 offer the City a prompt payment discount of 1% 10 days.

Vendor 8 offers the City a prompt payment discount of .5% 10 days.

This is a Requirements Type Contract with an initial term of thirty-six (36) months.
[Financial Services, Jesus M. Juarez, (915) 541-4317]

14. PUBLIC HEARING – QUALITY OF LIFE:

An Ordinance amending Ordinance No. 15627, amending Title 2 (Administration and Personnel) of the City Code of El Paso, Chapter 2.77 (El Paso Tree Board), Section 2.77.010 (Committee Established - membership) to remove the board membership requirement that one member shall be a representative from Texas Forest Service, creating ex-officio positions for the representative from the Texas Forest Service member and the City Arborist; to increase the at-large board positions from three to four; to remove City Streets Department from the administrative support of the Board; and Section 2.77.020 (Terms and Election of Chair and Vice Chair) to increase the term of office from two years to four; and Section 2.77.040(A) to exempt the City Arborist and the Texas Forest Service representative from the prohibition against board members holding public office of honor, trust, or profit in the government of the City, County or State. **(All Districts)** [Parks and Recreation, Norman C. Merrifield, (915) 541-4910]

15. CITY MANAGER: [City Manager, Joyce A. Wilson, (915) 541-4844]

City Manager's report of current events and issues:

Zoo Society presentation of five-year strategic plan.
[Quality of Life, Deborah Hamlyn, (915) 541-4242]

EXECUTIVE SESSION

The City Council of the City of El Paso may retire into **EXECUTIVE SESSION** pursuant to Section 3.5A of the El Paso City Charter and the Texas Government Code, Chapter 551, Subchapter D, to discuss any of the following: (The items listed below are matters of the sort routinely discussed in Executive Session, but the City Council of the City of El Paso may move to Executive Session any of the items on this agenda, consistent with the terms of the Open Meetings Act.) The City Council will return to open session to take any final action and may also, at any time during the meeting, bring forward any of the following items for public discussion, as appropriate.

Section 551.071 CONSULTATION WITH ATTORNEY
Section 551.072 DELIBERATION REGARDING REAL PROPERTY
Section 551.073 DELIBERATION REGARDING PROSPECTIVE GIFTS
Section 551.074 PERSONNEL MATTERS
Section 551.076 DELIBERATION REGARDING SECURITY DEVICES
Section 551.087 DELIBERATION REGARDING ECONOMIC DEVELOPMENT NEGOTIATIONS

Discussion and action on the following:

EX1. City's subrogation interest under the El Paso Employee Health Benefit Program regarding Mario Esparza (551.071) [City Attorney's Office, Jennifer F. Callan (915) 541-4550]

EX2. Discussion and action on the claim of *Jimmy Gonzalez vs. The City of El Paso, et. al;* Cause No. EP-06-CA-047-FM (551.071)
[City Attorney's Office, Jennifer F. Callan, (915) 541-4550]

- EX3.** Discussion and action on the claim of *Tomas Garcia vs. The City of El Paso*; Cause No. 2004-2341 (551.071) [City Attorney's Office, John L. Anderson, (915) 541-4550]
- EX4.** General matters related to ASARCO, including but not limited to the bankruptcy case, the ASARCO permit application process, and the representation of the City of El Paso by Erich Birch of Birch & Becker (551.071)
[City Attorney's Office, Laura Prendergast Gordon, (915) 541-4550]

NOTICE TO THE PUBLIC:

Sign Language interpreters are provided for regular City Council meetings. Copies of this Agenda will be provided in Braille, large print, or audiotape upon requests made a minimum of 48 hours prior to the meeting.

Hearing Assistance Devices are available upon request.

ALL CITY COUNCIL AGENDAS ARE PLACED ON THE INTERNET EVERY FRIDAY AT THE ADDRESS BELOW:

<http://www.elpasotexas.gov/>